

**CITY OF BROKEN ARROW
PLANNING COMMISSION MEETING
MINUTES
January 27, 2005**

The Planning Commission Agenda for this meeting was posted on January 21, 2005, at 3:00 p.m. on the City Hall Bulletin Board, 220 S. First Street.

1. The Broken Arrow Planning Commission met on Thursday, January 13, 2005, at 5:00 p.m.

2. Present: Ricky Jones, Chairperson
Renate Caldwell, Vice Chairperson
Robert Goranson, Commission Member
Johnnie Parks, Commission Member
Ron Carter, Commission Member

Absent: None

Staff Present: Farhad K. Daroga, City Planner
Brent Murphy, Ass't City Planner
James T. McHendry, Staff Planner
Joyce Snider, Admin Ass't
Tom Hendrix, Director of Engineering
April Parnell, Ass't City Attorney
Jeff Westfall, Engineering Dept
Roger Hughes, Engineering Dept
David Wooden, Ass't City Manager

The Commission considered the minutes of a regular Planning Commission meeting held January 13, 2005. **Motion** by Ron Carter to approve the minutes of the Planning Commission meeting held January 13, 2005 as presented. The motion was seconded by Renate Caldwell.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion Approved.

10. Ricky Jones announced that the Zoning Ordinance consultants, Clarion Associates representatives, Matt Goebel and Michele McGlyn were present and, in the interest of time, their presentation regarding the Zoning Ordinance Update would be made at this time.

Matt Goebel, Clarion Associates, Denver, Colorado outlined the professional experience of his firm in working with communities nation-wide to upgrade or replace land use regulations. He said the update of the Broken Arrow Zoning Code would be a year-long project and outlined the meetings held to date with Broken Arrow City officials and staff and members of the steering committee. He said a policy memo will be issued in a couple of months summarizing what they've heard regarding what is working and what is not and what people like and what they do not like about the present zoning ordinance. He said they will provide feedback to the City about revision of the document, how it should be organized and what some of the policy changes might be.

10. continued

Mr. Goebel said a series of presentations will be made probably in late March or early April. He said after that process has been completed, they will begin to rewrite the new document, probably in three pieces, Administrative Procedures, Districts and Uses, and Development Standards. He said after about nine months of working with the steering committee in drafting the Code, they will have a series of work sessions with the Planning Commission and at that time will review the Code and explain exactly the reasoning behind the rationale related to each area of the Code and its organization. He said they will look at having at public hearing draft of the new Zoning Code around January 2006.

Mr. Goebel said some of the issues are: How easy is the document to use, what are the opportunities to make it more user friendly so it can be more easily administered and members of the community can more easily utilize it; are there duplications.

Mr. Goebel said substantive issues include the fact that a great deal of development is being done by negotiation, which is not unusual, especially with PUDs. He said an effort will be made to codify standards that have been negotiated in the past so they are generally applicable rules that apply only to development. He said it will make the Code easier to administer and provide clear, objective standards. He said tools will be sought to allow Staff to administer minor changes.

Mr. Goebel said he talked to a number of neighborhood folks and received feedback that they feel they do not receive sufficient notice of major projects, they would like earlier opportunities to comment on large PUDs and rezoning projects. He said one focus would be on how the City could give earlier notice to neighborhood organizations and receive feedback from the public earlier in the process. He said a number of policy options will be provided to the city in the policy memo to be submitted in a couple of months.

Ricky Jones talked about the process and Johnnie Parks said the quality issues and protection of property values is of prime importance to him.

4. The Commission considered the Consent Agenda. Brent Murphy reviewed each item on the Consent Agenda.

Motion by Johnnie Parks to approve the Consent Agenda as recommended by Staff, with the exception of Item No. 4B. The motion was seconded by Renate Caldwell.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion Approved.

- 4A. PT02-104, DN02-110, Aspen Park Village conditional final plat, (BAZ 1383/PUD 118) one-quarter mile north of Kenosha Street, on the east side of Aspen Avenue, Independent Design Consultant (Engineer). The applicant was present. This item was approved as recommended by Staff.
- 4B. PT04-116, DN04-162, Washington Lane III conditional final plat, (PUD 135A) 13.69 acres, 52 lots, one-quarter mile east of 9th Street, one-half mile south of Washington Street, Independent Design Consultants, LLC (Engineer). The applicant was present. This item was removed from the Consent Agenda.

- 4C. CA05-100, DN04-195, Taco Bell, (ST04-159), C-5, 1.24 acres, South side of Kenosha Street, approximately one-quarter mile east of 9th Street, Gerald Oney (Applicant). The applicant was present. This item was approved as recommended by Staff.
- 4D. ST04-164, DN04-154, Cannon Dental Office landscape plan, (PUD 120B) one-quarter mile north of Washington Street on the east side of Garnett Road, Khoury Engineering (Applicant). The applicant was present. This item was approved as recommended by Staff.
- 4E. ST05-100, DN04-178, Sonic Drive-In site plan, (PUD 146) 0.86 acres, one-quarter mile east of Garnett Road on the north Side of Houston Street, BSW International (Applicant). The applicant was not present. This item was approved as recommended by Staff.
- 4F. ST05-101, Kansas City Life (PUD 44D) site and landscape plan, 6.32 acres, one-quarter mile south of Albany Street on the east side of Aspen Avenue (Greenway Business Park) Sisemore Weisz & Associates, Inc. (Applicant). The applicant was present. This item was approved as recommended by Staff.

5. **ITEMS REMOVED FROM THE CONSENT AGENDA**

- 4B. The Commission considered PT04-116, DN04-162, Washington Lane III conditional final plat, (PUD 135A) 13.69 acres, 52 lots, one-quarter mile east of 9th Street, one-half mile south of Washington Street, Independent Design Consultants, LLC (Engineer). Brent Murphy presented the background, saying a letter had been sent to the applicant regarding certain conditions that needed to be met and a reply was received indicating the applicant's agreement with everything except the materials associated with the trails and that will be worked out. He said Staff recommends approved of PT04-116 with the modified conditions. The applicant, Robert Holmes, Independent Design Consultants, LLC, said he had no further comment.

Motion by Johnnie Parks to recommend approval of PT04-116, DN04-162, Washington Lane III conditional final plat pursuant to the revised Staff recommendations. The motion was seconded by Renate Caldwell.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion Approved.

6. The Commission considered PUD 154, Rhema Bible Church Youth Building, 6.1 acres, north side of Kenosha Street, one-half mile east of Aspen Avenue, Kenneth W. Hagin (Applicant). Brent Murphy presented the background, saying there is an existing building on the property which will be removed. He said C-2 zoning abutting residential property a 75-foot setback is required and the applicant has requested a 50-foot setback along their north and west boundaries. He said Staff recommends that platting be waived, provided a 17.5' utility easement is provided along Kenosha Street. He said certain modifications to the design statement have been recommended and Staff would like the revised design statement to be submitted to the City by February 4, 2005. The height of the building was discussed and Staff clarified that it will be a two-story building. Discussion followed.

Ricky Jones pointed out the location of the dumpster. Brent Murphy said a site plan will be submitted.

Ross McCready, Rhema staff architect, 2608 South Maple Avenue, Broken Arrow, asked about the timing of the easement dedication and that was discussed. Mr. McCready said the dumpster can be placed anywhere the City wants it.

6. continued

Hugh Gary, 909 West Lansing, Broken Arrow, 251-8834, asked about the height of the building and which way the building would face, and said he hoped these issues would be addressed.

Bob Goranson said the lighting and parking can be addressed during the site plan review.

Motion by Ron Carter to recommend approval of PUD 154, Rhema Bible Church Youth Building, as recommended by Staff. The motion was seconded by Renate Caldwell.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion Approved.

Hugh Gary left his phone number with Staff so he could be contacted when the site plan is considered by the Planning Commission.

Ricky Jones said this item will be considered by the City Council in their meeting of February 21, 2005.

7. The Commission considered PUD 94F, DN02-187, Magnolia Gardens at Battle Creek minor amendment, 0.2 acres, northwest corner of Pine Avenue and Plymouth Place, Greg Hollinger (Applicant). Brent Murphy presented the background, saying this property is zoned R-3 and is in an area designated as Garden Homes. He said in this area rear yards are required to be 20 feet in depth and the plat for Magnolia Gardens was approved in July 2000. He said the applicants wish to build a home on the lot in question and thought he met the setback requirements. He found that there was a jog in the reserve area of which he was unaware and have now requested that the setback be reduced from 20-feet to 15-feet.

Greg Hollinger, the applicant, 1480 South Columbia Avenue, said he is requesting relief from this situation.

There were no protestants present.

Motion by Renate Caldwell to approved PUD 94F as recommended by Staff. The motion was seconded by Johnnie Parks.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion Approved.

8. The Commission considered PUD 135D, minor amendment, Lot 14, Block 3, Washington Lane III, Cook & Associates Engineering, Inc. (Applicant). Brent Murphy presented the background, saying the building encroaches into the utility easement and the right-of-way. He said Staff recommends this encroachment into the right-of-way be approved. He said the encroachment into the utility easement would need to be resolved by the City Council through a release of liability or a vacation of the easement. Discussion followed and Johnnie Parks asked if the City inspectors caught this when they inspected the project. That issue was discussed.

Larry Cagle, 6701 East Forest Ridge, Broken Arrow, said this encroachment happened by accident.

There were no protestants present.

8. continued

Johnnie Parks asked if the City inspectors red tagged the project. Farhad Daroga said he thought the inspectors did red tag the project when it came to their attention. Discussion followed.

Larry Cagle said, to their knowledge they have never had a red tag on this project. The extent of the encroachment was discussed.

Motion by Renate Caldwell to approve PUD 135D as recommended by Staff. The motion was seconded by Robert Goranson.

Brent Murphy said Staff recommends that the applicant submit a request as far as the utility easement.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion Approved.

9. The Commission considered BAZ 1631, DN04-131, R-1 to C-5 and R-4, (BACP 52) one-quarter mile west of 9th Street (Lynn Lane) on the north side of Kenosha Street, Cook & Associates Engineering, Inc. (Applicant). Brent Murphy presented the background, saying the property was originally platted in 1948 as part of Kenwood Acres Addition, which does not at this time meet the Broken Arrow Subdivision Code. He said the City Council approved BACP 52 on January 3, 2005, classifying the north 485 feet as Level 6 and the remainder of the property as Level 3. This rezoning request is in compliance with the Comprehensive Plan, however, due to the building line setback required in the C-5 District, the buildable area will only be about 25 foot wide. He said Staff recommends approval subject to the property being replatted.

Justin Cook, Cook & Associates Engineering, Inc., 106 South Ash, Broken Arrow, said they are aware of the setback requirements, have lost a prospective buyer due to that condition and are now in doubt of how to proceed. April Parnell said it would be possible to continue the issue to a date certain. Discussion followed and Justin Cook requested continuance for 60 days.

Janice Shay, 1201 North Fifth Street, asked, if that site is made a commercial site, what will happen to the runoff from that site. Ricky Jones said that issue will be dealt with during the plat process.

Justin Cook said there will be detention on the site so there should be no further effect on Ms. Shay's property.

Motion by Renate Caldwell to continue BAZ 1631 to the meeting of March 24, 2005. The motion was seconded by Ron Carter.

Yes: Carter, Parks, Goranson, Caldwell, Jones

No: None

Motion Approved.

10. Clarion presentation regarding the Zoning Ordinance Update

Ricky Jones said this item was dealt with at the beginning of this meeting.

11. **REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF -
(NO ACTION)**

None.

12. **Motion** by Renate Caldwell at 5:56 p.m. to adjourn. The motion was seconded by Johnnie Parks.
Yes: Carter, Parks, Goranson, Caldwell, Jones
No: None
Motion Approved.